

The ordinances and regulations that provide for the development of land and use of property in Newmarket should be administered as the embodiment of this Master Plan. These regulations are the minimum framework in which a development may be created that approaches the goals and vision laid out in the Plan. Landowners and developers must be educated to understand that additional efforts beyond the regulations will be required to achieve the objectives of the regulation itself. Implementing the vision is the goal of a coordinated approach to planning, regulatory compliance is only the first small step.

Preserve rural character
Revitalize downtown
Preserve natural resources
Broaden tax base
Balance types of residential growth

NATURAL RESOURCE IMPACTS AND LAND USE

This section of the Master Plan reflects the desired long-range development pattern for Newmarket with respect to natural resources and developability of individual parcels throughout town. It is a plan designed to encourage compatible development in each unique area of town with respect to cultural and natural resources and growth management goals. Land capability, the ability of land to absorb and filter waste on-site and mitigate other environmental impacts, is the primary factor used to guide development. Other important factors include existing development patterns, roads, zoning, existing and anticipated municipal services, as well as community policies.

The plan resulting from this analysis must be both general and specific. It must establish general policies and goals, reflected in acceptable and reasonable development standards. As a plan it must also specify land areas where development should be prohibited, where it should be limited, and where it should be encouraged.

NATURAL RESOURCE PROTECTION AND DEVELOPABLE LAND AREA

The following areas describe the possible land types suited to varying levels of development in terms of impacts to natural resources.

Preferred locations for development are obviously those areas where there are fewest natural resource constraints. A simple classification scheme based on physical characteristics was devised to define general land suitability. The classification consists of three categories: 1) land unsuitable for development; 2) land poorly suited for development; and 3) land generally suited for development.

1. **Land Unsuitable For Development**

Land not suited for development includes wetlands, areas which have very low potential for the siting of septic systems, (such as poor soil and steep slopes), and areas within the designated 100-year flood hazard zone. The areas not suitable for development (with the exception of farmlands) are depicted on the Buildout Analysis Map. The significance of these areas is described as follows:

- a. **Wetlands:** The USDA Soil Conservation Service has defined wetlands as soils that are poorly or very poorly drained. The importance of preserving and protecting these soils has been well established. Wetlands are important because they provide flood protection by temporarily storing storm water runoff and thereby protecting persons and property from flood hazards. Wetlands provide recharge areas necessary to maintain groundwater levels and augment stream flow and water supply during dry periods. In addition, wetlands are highly important from an ecological standpoint and should be preserved.

Due to the high content of significant wetland systems in Newmarket, the town must carefully protect this resource. These wetlands play an important role in the health and viability of the ecosystem of the Seacoast and Southern region of New Hampshire. Very few towns throughout the region have less restrictive buffers. This lack of attention has increased the comparative risk and potential negative effect of environmental degradation resulting from development. Failure to implement strong buffers increases the risk of polluted water supplies and the larger roles wetlands play in ever increasing ecosystem-based scales.

The New Hampshire Comparative Risk Project recently published the Report of Ranked Environmental Risks in New Hampshire on May 1 1997. This exhaustive study of environmental risks in New Hampshire led by a public and private partnership ranked and prioritized the risks to the environment in New Hampshire. This document provides extensive study of the type and nature of environmental risks faced in the state. Through technical reports and research the report lists the ranking of these environmental risks. This ranking reflects the blended judgment of the Public Advisory Group and assumes the status and strength of current regulation. Six of the top ten risks relate directly to wetlands and appropriate buffering. They are (in their ranking within the report):

1. Degradation of Surface Water Habitat
3. Loss of Land Habitat from Development
4. Physical Alteration of Water and Shoreland Habitat
5. Loss of Water Habitat (filling, draining)
6. Acid Deposition (on forests, soils, inland waters, & estuaries)
10. Degradation of Forest Habitat by Fragmentation

Aside from the importance of preserving wetlands for their own inherent value, it is equally important to prevent building in such areas because of the potential impact on water quality and public health. Wetlands exist where groundwater is at or near the surface of the ground for most of the year. Septic systems that are constructed in or near wetlands, and fail, can readily cause groundwater contamination. Since a municipal sewer system cannot be guaranteed throughout all of Newmarket, all buildings requiring sewage disposal should be located at a safe minimum distance from wetlands, surface waters and groundwater.

Furthermore, preservation of wetland Buffers has been recognized as exceedingly important in preserving of a living wetland ecosystem. This research and data is detailed in the recent publication Buffers for Wetlands and Surface Waters: A Guidebook for New Hampshire Municipalities November 1995 by the Audubon Society, NRCS, NHOSP, and the UNH Co-op. The findings and research are adopted herein, and the reader is directed to this document for a more thorough treatment of this issue in understanding the justification and rationale for recommending changes to Newmarket's buffer requirements.

Newmarket's existing Wetland Ordinance fails to address many of these concerns. The ordinance has a 0 (zero) foot setback for structures to poorly drained soils and only 25 foot setback for very-poorly drained. While the Board may wish to consider a more flexible ordinance based upon location and functionality of wetlands, the lack of sufficient setbacks places a significant risk to the structures themselves from flooding, and lack of reasonable use, as well as presenting a significant risk for environmental harm to the wetlands. The Board should increase its efforts at resource protection by establishing a revised ordinance for protecting Newmarket's wetland resources.

- b. **Areas with Very Low Potential for Septic Systems:** The ability to adequately site a septic system on a lot is the most important consideration for determining development suitability. Sewage alternatives are feasible in limited parts of Newmarket. A system does exist, however, to evaluate the relative potential of land to accommodate sewage. This system, called Soil Type Lot Size, objectively and scientifically rates the system on a five level scale with soil potential ranging from very high to very low.

The system judges soils that have a "very low" rating as economically infeasible for development due to the existence of wetlands or severe slopes. Regardless of economic feasibility, it is clear that land classified as having very low potential is not suitable for development under any reasonable standard. The development of such land only invites hazards to public health. In Newmarket, all wetland soils and steep slopes (>25%) have very low potential for septic systems. Minimum lot sizes insure that

adequate land forms are present to accommodate the septage on-site without damaging water supplies for the lot and neighboring parcels.

- c. **Areas Designated within 100-year Flood Hazard Zones:** Newmarket participates in the National Flood Insurance Program. These identified floodways (as shown on FIRM maps) are unsuited for development because: 1) of the associated risks to life and property; 2) construction in the floodplains worsens flood hazards downstream; and 3) the inundation of subsurface sewage disposal systems can cause water pollution and a public health hazard.

2. **Land Poorly Suited for Development**

Land considered to be poorly suited for development falls into the categories of: 1) buffer areas for wetland and watershed protection, and 2) areas having a soil potential rating of "poor".

Both of these areas are considered to be poorly suited for development. However, unlike those areas not suited for development, these areas do not pose serious enough environmental and public health problems to justify a prohibition on all construction. Rather, poorly-suited areas are considered "problematic" and are best suited for low density development.

Carefully developed regulations are necessary to safely guide future development in these areas.

- a. **Buffer Areas for Wetlands and Watershed Protection:** A wetlands ordinance, which prevents development in wetlands, does not necessarily protect wetlands from harmful uses occurring immediately adjacent to them. Structures that are potentially harmful to lakes, streams and wetlands, such as septic systems, waste storage areas and salt storage areas, should be excluded from buffer areas. As much as possible, natural vegetation should be protected or restored in these areas to control erosion and sediment from contaminating Newmarket's resources.
- b. **Areas with Poor Soil Potential Ratings:** These areas contain soils that have poor potential for the successful siting of septic systems. The soils are limited due to one or more of the following factors: slope, shallow depth to bedrock, seasonal wetness or slow percolation rate. In most instances, these natural limitations can be overcome by modifying the site to comply with minimum State septic siting requirements, but only at high cost. These areas are suited for low density development only, with densities determined by the soil type lot size requirements as mentioned above.

3. **Areas Generally Suited for Development**

All other areas not specifically identified pose no unusual limitation to limit development. This does not mean that all land is equally suitable. A town wide map cannot show in sufficient detail the location of all physical limitations described above. Conversely, developable land is likely to be found within areas shown as unsuitable for development. The future land use map and development suitability map are not intended for site-specific development determinations but are intended as a general guide.

Other factors must also be considered that are not related to land capability such as highway access, quality or capacity of access roads, compatibility with surrounding uses, the need for financial services, and existing zoning regulations.

FUTURE LAND USES

TYPES OF RESIDENTIAL USE

Newmarket enjoys a strong diversity in housing in options. This diversity is reflected in housing costs as well as housing types. This diversity is one of the unique attributes of the Newmarket community that sets it apart from other towns in the region and contributes to its sustainability in terms of cultural and economic health.

From accessory apartments and efficiencies above downtown businesses to expansive single-family homes on large lots in the more rural areas of town, these options provide for a diverse community that contributes to the vibrancy of Newmarket. Since Newmarket has more than its regional fair share of affordable and multi-family units, the Town is insulated from criticism directed at neighboring communities regarding exclusionary zoning and potential illegal attitudes toward low and moderate income families (see, Britton v. Chester, 134 NH 434 (1991)). Although the entire Seacoast and southern regions of New Hampshire are suffering from a housing crunch, Newmarket's housing market provides for a number of opportunities for families to establish a long-term stay in Town from starter homes to retirement.

- The Board should continue to provide for diverse housing that balances the various needs for housing against existing numbers.
- The Board should monitor the development and use of housing types to insure that no particular sector of housing dominates the market, placing the market at risk to perturbations in economic conditions.

- The Board should work with the various interested parties regarding the housing density vis-à-vis commercial and retail environment in the downtown area.

Single Family

Single-family housing reflects the traditional one-family structure on individual lots serviced by individual infrastructure elements such as septic, wells and access points. These areas range from low to high density groupings that usually reflect minimum zoning requirements regarding lot-sizing and frontage requirements.

Developments (groups of houses that are built in a coordinated effort) present the opportunity to maximize the planned aspects of neighborhood building. The desires for attractive and successful developments are most often in conflict to the short-term profit interests of the developer. The long-term success of a development is at the heart of the Planning Board's motivation. Defining the goals and vision for "successful" developments is an important precursor to the development of new regulations to guide the growth of the Town of Newmarket. An overly strong focus on the short-term tax impacts of development or the fallacy that maximization of profitability is a property right of land ownership both contribute to poorly planned developments and degrade the necessary elements of a healthy community. Not only should developments provide for the impacts on the community but should be designed with respect to the natural resources in which they are found.

- The Board must insure that single-family development is provided for a diversity of citizens in terms of need and economic income levels.
- The Board must examine the existing zoning scheme in terms of its relationship to the type of development it will likely promote and its consistency with the overall policy toward growth management.

Duplex/Town homes

As part of the comprehensive policy toward housing diversity, the Town must insure that duplexes and town home opportunities are also provided for in new developments. Furthermore, the integrity of existing neighborhoods that provide for these housing units must be preserved.

While these uses are often congregated together, a policy that provides for sensible distribution within a variety of neighborhoods can enhance the overall diversity of areas throughout town. On the other hand, single-family dwelling neighborhoods are often designed with certain integrity and such options must also be protected and preserved.

- An overall policy must be adopted that promotes the rational provision of duplex housing and protects from unplanned expansion where consistency and neighborhood integrity can be negatively impacted, particularly where duplexes incrementally result from transformed single-family units.

Multi-family

The Town of Newmarket has significantly more rental multi-family units than the average community in both Strafford and Rockingham counties as well as the throughout the entire State of New Hampshire. (See 2000 Census Data Tables and Housing and Population Chapters generally). Outstanding approvals for even more multi-family units exist. The status of these units, in term of vested rights, has been adjudicated by the Planning Board in the context of impact fees. The majority of units have been found to be vested under their original approvals provided implementation is consistent with the approval. Assuming *arguendo*, that these units are built, the discrepancy with regional communities will be exacerbated.

Unfortunately, the existing units abound with deficiencies. These facilities lack recreational facilities, sidewalks, parking, adequately sized open and green spaces, and other living amenities commonly associated with high density developments. It is reasonable for the Town of Newmarket to no longer provide opportunities for this type of housing, particularly in light of the deficit in services that currently exists for our extant developments. Other types of multi-family units that exist in town are under condominium ownership. These units, in general, have provided more fully for the residents of the community in terms of recreational facilities, landscaping and overall aesthetics as well as a refined and residentially pleasing atmosphere.

Elderly housing, although a separate sector of multi-unit housing, must be treated different in terms of the targeted residents. This particular sector of multi-units is needed and all reasonable opportunities should be pursued to establish these facilities in the appropriate locations throughout Town.

- The Board must restrict and eliminate regulations that permit the development of existing multi-family rental housing until or unless existing facilities are upgraded to provide for the reasonable needs in terms of recreational facilities and community services.
- The Board should insure that if condominium units are to be established, the regulatory context in which they are developed accounts for the needs of the residents and minimizes any negative impacts from increased traffic, off-site visual impacts and any other effect that may cause a diminution in surrounding property values. The Board should update regulations consistent

with these concerns controlling landscaping, lighting, on-site facilities and off-site impact.

- The Board should follow-up the recent collaborative effort to provide for elderly housing and insure that the recent ordinance adoption properly serves the needs of our own Newmarket citizens who wish to continue living in the community as well as the regional needs for elderly housing.

Accessory Apartments

Accessory apartments are an integral part of Newmarket's housing market. Aside from increasing the opportunities for housing options in the community, these uses provide for an additional source of income to homeowners. Correctly implemented, these units can co-exist within single-family residential neighborhoods provided the outward appearances and impacts are minimized. It is important to provide for protection from these impacts to avoid the appearance of duplexes and heavy additional traffic and parking. Control of these impacts should be maintained through a permitting process that assesses these impacts and provides for their mitigation.

- The Board must continue to provide for these alternative housing options.
- The Board should consider allowing these units to be constructed without having to pay school impact fees if their use is limited to one person in an efficiency/studio unit.
- The Board should promote this type of housing as an alternative to multi-family units and boarding house-style student housing that has been the source of many problems throughout the community.

Accessory apartments can be an effective and advantageous form of housing. Apartments can be useful to assist family living that requires care for elderly or special needs families and for family members that are beginning to branch out on their own. Additionally, these apartments offer an alternative housing style for singles and couples that are starting out and not ready for the taxing undertaking required for acquisition of a single-family home. Finally, such housing can also provide for temporary and affordable housing to meet the needs of our citizens.

The critical concern with these uses is to make them blend into the neighborhoods where they are located. It is perfectly reasonable to allow these uses within single-family neighborhoods provided the structure retains its appearance and outward signs of dual unit occupation are minimized. Such impacts should include divided yards, an abundance visible parking areas and cars and multiple primary entrances.

- Accessory Apartments should not become a duplex use where it becomes clear that the structure houses two identifiable units.
- The Board should continue to allow this type of use while tightening the regulations to permit wide-spread use and minimize detrimental impacts to neighboring property owners.

Home Occupations & Offices

A balanced approach to economic development and community well-being requires that a diversity of employment and business opportunities abound within the community's boundaries. While large business and office parks present a significant tax benefit and employment opportunities, there is a need to serve the employees and provide for entrepreneurial opportunities of other citizens. It is a given that economically placing all of one's eggs in a single basket invites disaster. It is therefore, critical that the zoning reflects this policy and provide for diverse opportunity in terms of individuals and their own business ventures. While Newmarket competes regionally for major employers, we must also provide for the small businesses and individual service-based and specialty trades. A well-balanced and reasonable approach to home occupations is an effective way to enhance this sector of our economy, while insuring protection from adverse land uses.

The current regulatory scheme allows for minimal impact home occupation and more visible home-based businesses. Consistent with the above policy, the ordinance encourages the development of these uses. It is important that the factors that govern the expansion of these uses protect neighboring property owners and maintain the residential neighborhood within which they reside. Success of these businesses may lead to growth, which in turn leads to the most difficult issue facing this land use; telling a successful business it must move or curtail operations. Hopefully, such an occurrence will lead to relocation within the community.

Violations and landowners who take advantage of this opportunity must be aggressively controlled. This privilege must not extend to uses that negatively impact neighboring property owners through unsightliness, noise, traffic or other impact. Several instances that may cause such impacts relate to truck and vehicle storage, construction "offices", homes where large trucks and equipment are stored as part of a home business. While the administration of such businesses may be properly managed at the site, the physical manifestations must remain in a more appropriately zoned location.

- Home Occupations should continue to be permitted with minimal impact to the visual integrity of the residential neighborhood.

- All Home-Based Businesses should be reviewed by the Planning Board as part of a Special Use Permit process to insure there are minimal impacts.
- No form of either use should present an impact of any kind beyond the boundaries of the property.
- Some uses or aspects of a home business should be prohibited where impacts are likely to occur regardless of assurances from a particular applicant, such as construction equipment and truck storage, overly distracting signage or lighting, or other such application.
- The regulations should prohibit the generation of noise, light, vibration, odor or traffic that is not in keeping with customarily residential uses.

Neighborhood Services & Low Impact Commercial

A vast majority of the land within Newmarket is zoned for residential uses. Although Newmarket's zoning provides for some additional uses within these zones it is important to assess the development of these areas to provide for reasonable commercial uses that service residents, such as convenience/grocery stores, video stores, restaurants and local taverns. These uses represent traditional development patterns. Although many people are not ready to fully embrace each of these uses, the Board should look for ways to diversify the types of uses that can service residential areas.

- The Board should consider adopting regulatory approaches that broaden the opportunities for these uses and address the impacts and scale of use rather than the types of use.
- Restrictions on signage, lighting, parking and visual impact must be attentive to the surrounding community.

Residential Land Use Issues

Pedestrian and Bicycle Access

Pedestrian Access must be an important consideration in all development throughout Newmarket. Walkable towns are considered more inviting places to live, bring businesses and enhance safety. Currently only the downtown and school areas are served with sidewalks. New developments along the outer reaches of town are not required to provide for sidewalks or bikeways. These alternative forms of transportation cut down on the use of parking in the downtown, provide for alternative student access and diverse forms of recreation and access.

- The Planning Board should reconsider the policy regarding outlying developments to provide either for sidewalks, space to install them or use impact fees for the development of such facilities.
- The Planning Board should consider alternative access ways through town for walking trails, bikeways and access points to certain destinations and other neighborhoods that are separate from roadways.
- The Planning Board should strongly support the efforts related to the Riverwalk and seek support from developments that will benefit the installation

Providing for sidewalks into the heavily residential areas of town is an important consideration. The residents of these areas need places to walk and exercise, especially in light of the high number of multi-family units with little or no recreational facilities. Given their proximity to the downtown and other services, residents of the central corridor should have the opportunity to walk to these places rather than drive and exacerbate an already problematic parking situation.

- The Planning Board must pursue the installation of sidewalks on Bennett Way.
- The Planning Board must require developments in and proximate to the central corridor to provide for pedestrian access (sidewalks) and amenities (benches).
- The Planning Board must examine all developments to insure their potential linkage to existing and probable pedestrian access points. Developers must be required to construct the infrastructure serving the site.

The Town is currently close to receiving federal grant money to extend sidewalks south along route 108 to Brooks, where existing sidewalks can be connected.

- The Planning Board and Town Officials must actively pursue all funding mechanisms for pedestrian access development. Including grants (matching or not), impact fees (for match money or other development) and private voluntary donations from developments creating corresponding need and impacts.

Auto Access and Parking

The Town of Newmarket is bisected by Route 108. It is important to insure that Newmarket does not fall prey to the same destruction brought onto the Town of Stratham by the widening of Route 33. The Stratham Master Plan frequently refers to the negative impacts of the increased capacity for traveling this north-south route. Although Newmarket will continue to grow the Board must work to insure that improvements to 108 do not facilitate its use as a major north-south corridor. Such traveling should be limited to Routes 125 and 33. Improvements to the Route 108 corridor should focus on safe access to uses along the corridor and pedestrian and bike facilities that serve the densely settled residential uses along the corridor.

- The Board must work closely with new developments that impact the 108 corridor to insure safe access points are provided.
- The Board must work cooperatively with the Town Staff to stay abreast of improvement schedules and development impacts to this schedule.

In the development of new roads in the outer areas of Town (far west and Great Bay) as part of new developments, the Board should require that conventional subdivisions facilitate a connect-through pattern. In Conservation Subdivision Design areas, connect-throughs can be achieved, but must be balanced carefully against the goals and intents of the design.

The Planning Board must work closely with Emergency Services and Department of Public Works to insure that isolated areas are interconnected and that access issues are taken account in the design of new roads.

The Downtown area and surrounding areas present unique issues relating to parking and access. The currently developed areas, although sometimes confusing and inconvenient, are a part of the Newmarket community and should not be disturbed for an overly aggressive focus on engineering standards. Parking issues are present throughout the residential portions in the community resulting for commercial spillover, dense housing areas, legal and illegal student and multi-unit housing, the lack for alternative transportation infrastructure and small lots and streets. The recent improvements to Elm Street have led to a controversy involving the elimination of parking. Several landowners have expressed concern regarding lost parking opportunities, however, whether this need is generated by houses that comply with the zoning ordinance or not in terms of unit number is not clear. While the Board must focus on the impacts

brought about by newly proposed developments, cooperation with other town efforts must be great. The Board must also recognize parking strains and insure that the zoning ordinance does not exacerbate the problem.

- The Board must work carefully with all interested boards and commissions to insure that a coordinated policy is developed to address parking needs in the Town.
- The Board should adopt regulations that permit parking sharing for uses that have complimentary uses.
- Downtown parking issues must address the needs of existing businesses, combat problems caused by uses that violate the zoning ordinance and constantly seek ways to provide additional opportunities to attract new uses to the downtown.

Open Space and Parklands

Many residential areas throughout town lack sufficient open spaces and parklands. Unless a development was undertaken as a “cluster” form, it is probable that no open space exists within a reasonable distance for either passive or active recreation.

In addition to the open space-cluster design concept, Newmarket should insure that open space and park facilities are provided for the use of residents with particular developments. The state statutes (RSA 674:36) provide for this and such actions have been repeatedly upheld by the New Hampshire Supreme Court. These open spaces should be for the use of the residents in the development and not for general public use unless the developer chooses not to secure ongoing maintenance within the development.

The Board should work closely with the Conservation Commission in adopting the Newmarket Open Space Conservation Plan as part of this Master Plan.

Future Development Issues

In addition to the above referenced infrastructure issues the following traditional aspects must also be addressed. These issues are confronted by the Planning Board during the review process. Since the Town is not able to provide these services in advance of development, the need is met by the developer. As a result of this, the balancing of issues usually relates to the expense to the developer versus the quality of facility or impacts

presented to the neighborhood resulting from a particular installation method.

Roads

The Planning Board should work closely with the Department of Public Works and developers to insure that the installation of roadways is completed in a fashion that minimizes maintenance costs and provides for sound construction techniques. Roads that last longer minimize the tax burden that results from poor construction methods and materials.

- Cape Cod curbs must be the exception due to their propensity to degrade during plowing and normal use. Granite curbing should be the standard due to its stability and aesthetic quality.
- Width of roadways must balance the character and capacity of the roadway against the safety and access needs. Dead end or one-way streets should be narrow in keeping with the rural character of the surrounding areas. Newmarket should avoid the approach taken by neighboring communities, which requires 24' and 26' streets for neighborhoods that sometimes have access for only 3 houses.
- The Planning Board must require high construction standards and work closely with the Department of Public Works to insure construction materials and techniques result in roads of the highest standard so as to minimize safety hazards and increased burdens to the taxpayers for frequent maintenance.
- Open drainage should be utilized on level roadways to minimize maintenance costs and provide for natural sources of pollution mitigation and stormwater attenuation.

Water & Sewer

As with roadways, the Town of Newmarket is not in the business of expanding water and sewer service. In addition, the Town has received credible information that our water supply is at risk depletion and due to the limited number of these resources, it is also at risk from a quality standpoint in the case of a significant pollution problem. The current aquifer is covered by several gravel pits, a junkyard and the Town's own garage and salt storage facility. Recent studies have also indicated that the Plains aquifer is being depleted beyond its recharge rate. The Town should not engage in practices that place the citizens at risk for short-term monetary gain from hook-up fees. Currently, communication from the Water & Sewer Commissioners has been on an as-needed basis, or in

response to specific requests. There has not been the type of exchange necessary to appropriately plan for Newmarket's future.

- Until the Town Council and the administrative officials operating under the Council's authority can present the Planning Board with credible evidence that the capacity issue has been addressed and that the Town's water supply is stabilized for future expansion, the Board should not permit the expansion of the water system as part of its own review process.
- The Planning Board must reach out to the various government entities that oversee the Water and Sewer services in order to insure that these facilities are expanded in accordance with the planned growth and capacity building program that is place.
- The Planning Board should examine the existing and proposed 201 Facilities plan and provide an opinion to the Council with respect to consistency between proposed facilities expansion and the Master Plan and future vision of Newmarket.

Lighting

All lighting should balance safety and the impacts of light pollution. The majority of Newmarket's streets have minimal lighting and the Board should endeavor to keep it that way. While individual house lighting is generally beyond the scope of town regulation, street lighting and entrance lighting must be in keeping with the residential atmosphere. The Town may regulate to protect from lighting in residential uses that are considered nuisances.

- The scale of lighting on every project should be carefully reviewed to insure that light pollution is eliminated.
- Additional lighting within a development must be shown on submitted plans to insure that lighting is considered at the approval stage. The Board should require additional site plan review for lighting changes in multi-family and accessory uses.
- The Board should adopt strong regulations for the prohibition of lighting on residential properties limited to the protection of abutting properties from light trespass, pollution and degradation of property values and insure that all property owners have an equal right to free use of their property during the day and at night consistent with natural light calendars. More stringent regulations may be deemed to invasive for private uses.

- The Board should present regulations that provide safe roadways free of glare for motorists, cyclists and pedestrians; protect and reclaim the ability to view the night sky, and thereby help preserve the quality of life and the tourist experience; eliminate and prevent light trespass through the proper installation of lighting fixtures; promote efficient and cost effective lighting; ensure that sufficient lighting can be provided where needed to promote safety and security; allow for flexibility in the style of lighting fixtures; with exemptions that apply to temporary uses, public safety uses and historic or residential streets or structures that require special product aesthetics or vertical luminance criteria.

Community Services

The Planning Board is responsible for front line review of a development's impact upon community services. For residential development this includes the fullest range of municipal services from schools to recycling to passive recreational opportunities. Aside from the direct benefit that the provision of these services offer to the taxpaying citizenry, a complete assemblage of adequate services is the strongest element considered when commercial expansion is being sought under an aggressive economic development program.

There are essentially two principles that will serve to guide the Planning Board's role in the assurance of adequate services:

The Planning Board must be part of the policy development process that sets the level of services required and acceptable for the taxpayers of Newmarket and must be aware of the current level of services that are available.

The Planning Board must assure the development of new services are consistent with a rational growth management program and a reasonably predictable rate of growth, and insure that services specifically required by a particular development that falls outside the normal growth rate and location assist in the provision of these services.

Recreational Facilities

Newmarket enjoys a strong and vibrant recreation program. This is due to an extremely committed staff and a tradition of service found throughout the community. Money and resources must continue to flow to these efforts in order to sustain this program. Recreational facilities provide opportunities for gathering and socializing that have been lost in many communities. Bringing the citizens together is only one incidental

benefit of insuring the necessary growth and expansion consistent with development pressures in Newmarket.

- Each residential application before the Planning Board should be responsible to assess the needs presented by the development in terms of the current level of services and address the impact of new individual development on meeting the localized and overall needs for recreational facilities.
- The Board must work closely to maintain an updated record of recreational facility needs, poorly served areas of town and capital investments planned by the Recreation Department. This effort will assist in the maintenance of the proper impact fee methodology, strengthening the Board's position and knowledge to negotiate specific solutions for recreational needs presented by specific developments.
- The Board should be willing to examine in-kind offers in lieu of impact fees should such opportunities present themselves. Such occurrences should be need for land, specific programs, matching grant seed-money, and any other reasonable offer from the developer that will assist the recreational needs of the development.
- The Planning Board must review the impacts of large developments to insure that the individual recreation needs of the residents within the development are met.

Emergency Services

A great deal of political debate has occurred over the status and shape of emergency services. Regardless of the outcome of this debate the Planning Board is obligated to insure that new citizens and new developments receive the level of service for a growing community. Such service must include fast response times for fire, police and ambulance and trained staff to support these services. Finally, the Town must be able to accommodate such services within modern and sufficient facilities.

- Aside from impact fees, the planning board must insure that all safety issues are resolved in the manner that enhances the delivery of these services.
- Where conflicting goals arise, it is the Board's responsibility to balance the needs of safety, property rights and other issues. This is possibly the toughest task for any Board member. Each of these

situations must be based upon the most up-to-date information available.

- The Board must require studies, when necessary, from an applicant to assess these difficult questions.

Specific issues include but are not limited to:

- Road designs that are not overly confusing,
- Safe and adequate access is granted to all access points in a subdivision and roadway intersections,
- Sufficient on-site facilities are provided to assist in emergency service efforts including hydrants, turn-outs, cisterns and any other device needed to support these services.
- The Planning Board should maintain a constant and open channel of communication to the emergency services departments in Town to insure that each development meets the needs of specific departments.
- The Board should educate the departments on its authority and jurisdiction to require facilities so that input received is frank and honest.
- The Board should closely monitor and participate in the debate regarding service expansion to provide its knowledge about projected growth and a true accounting of financial and facility assistance that can be expected from residential growth.

Trash and recycling

Town officials have received numerous complaints regarding trash throughout the community. Although current specific issues are being addressed by the Building Department and Town ordinance changes, the Planning Board is responsible to insure that initial facilities are provided for this service to prevent contribution to this extremely important issue. Improperly stored trash is unsightly, distressing, damaging to adjoining properties and presents distinct and identifiable risks to health and safety from disease and pests.

- New site plan review and zoning ordinances should be passed to assist with the Town's efforts in maintaining a clean and healthy

environment. These regulations, being health and safety concerns can and should be applied to existing facilities during the 4-year vesting period. (RSA 674:39).

- The Board should require adequate facilities in terms of capacity and size as well as opaque screening to protect abutting properties from unsightly views of refuse, minimize stench and mitigate pest infestations.

Code Compliance Issues

Illegal units

Newmarket faces the complex issue of numerous illegal housing units. The cause for this is the numerous large residential housing structures throughout Town, the limited availability of housing in the seacoast region and the proximity to UNH. Although housing is tight throughout the region, affordable housing is virtually non-existent. Owners of these large structures are able to gain profit by dividing the structures into numerous units and without much upgrading, rent them to students in need of housing and the general population of a region that is devoid of affordable housing.

The resulting living situations place students, adults and children in unsafe situation and overburden a number of municipal services and facilities. Adequate growth counts and unit numbers cannot even be estimated. The Town of Newmarket must address this situation as the implications are far-reaching and extremely disturbing to the planned growth and development of the Town. With an abundance of illegal units, facilities and services cannot be adequately planned for the residents of Town.

State law permits Towns to require Site Plan Review for the establishment of multi-family structures of three units or more and for boarding houses. As a result, every structure that has three units (or more) or is considered a boarding house has been established illegally, unless the transformation occurred before the adoption of Site Plan Review Regulations. Even the addition of one unit beyond two or in addition to any number over two is not in compliance with the Town of Newmarket regulations. Although the needs of the region are great, a coordinated regional approach is necessary to address this issue; it is not the burden of the Town of Newmarket to shoulder.

There are a number of issues presented by this situation:

- 1) Failure to seek Site Plan approval ties the hands of the Town to insure that adequate facilities are supplied for the site.
- 2) Most of these units, located in the densely built areas of Town, and containing many students with cars, do not provide for on-site parking. This exacerbates an already complicated situation.
- 3) Parking problems associated with illegal units limit access to the buildings, constrain convenient travel and parking, which in-turn negatively impacts commercial and retail uses throughout Town.
- 4) Many illegal units, having ignored Town permitting processes are potential fire hazards from lack of code compliant exits, fire detection and suppression equipment and fire service access.
- 5) Illegal units, with increased occupants create an increased and unknown impact upon sewer and water systems that should preserve capacity to provide for planned and permitted growth and expansion.
- 6) Illegal units contribute directly to the unsightly appearance and unsafe environment of many areas throughout Town, with parking on yards, inadequate trash facilities, debris on lawns and any number of fire hazards located between and adjoining these structures.
- 7) As long as the demand exceeds supply for housing, it will be fiscally possible for landowners to rent out units and create units illegally without upgrading facilities to attract residents. This economic fact negatively impacts every citizen who has invested money, time and effort into their property in these areas.

The Planning Board must aggressively address this issue with the following recommendations:

- Work closely with Town staff to establish new zoning districts and residential unit density. Once established, the Board should determine whether expansions are permitted and under what circumstances.

- The Building Department and Planning staff should be directed to work with Town Counsel and Town Officials to create an inventory of existing housing facilities and seek to enforce this new zoning ordinance against the structures that violate this ordinance.
- The Building Department should also be supported in its enforcement of minimum health and safety codes.
- The Board should open a dialogue with the UNH to voice concerns over the housing situation and volunteer to work toward a joint solution. The current housing situation causes the problem to externally manifest itself in neighboring communities.

Commercial / Industrial Land Uses

Although membership on the Planning Board is a political position, the most politically charged issue is the question of commercial and industrial land uses. The Board is lobbied for the entire range of options, from unfettered allowance to strict protection of natural resources to the detriment of any option for new commercial sites. Criticism also comes to the Board for making it difficult for businesses to complete the process of review, despite the fact that there has not been a denial of non-residential site plan in the last three years. A lax approach to regulatory compliance lends itself to the outcry and dissention felt after the Irving approval that tore the Board apart and led to a great deal of dissention among citizens. The current Board has a balanced approach that forces applicants to participate in the growth and opportunity presented by becoming a citizen of Newmarket, corporation or person.

The majority of issues presented by the expansion of commercial and industrial land uses center on the theory that such uses stabilize the tax base. Furthermore, the expansionist approach proposes that increased opportunity and streamlined permitting processes are the key to attracting new commercial enterprise to Town. This simplified view has no basis in fact. Although some toxic and extremely regulated uses may flourish in a regulatory-free environment, modern companies are attracted to municipalities and regions that have a capable work-force and high quality of life to keep such a work-force. Manufacturing and industrialized businesses in New England are somewhat antiquated in today's economy.

Commercial ventures thriving in our time and place are based upon technology, information and creativity, all of which are lacking in a town where regulatory laxity and short-sighted goals are the norm. Businesses are appearing out areas where creativity, quality of life, community spirit and refined educational institutions are prominent. Seattle, the San Francisco Bay Area, Silicon Valley

and the Research Triangle in North Carolina are just a few of the areas that are capitalizing on the new economy. For Newmarket, it is the greater-Boston area that provides the same opportunity for similar growth. Whether the Town seeks a quality-of-life based approach or a reckless approach will truly deal with the issues of taxation, fiscal stability and cultural expansion.

Redevelopment of the mill properties is a critical issue specific to the Town of Newmarket for all of the reasons above. These buildings and the opportunities presented have ramifications in terms of commercial expansion and the kind of vibrancy that stabilizes a local economy. Although there are large areas of land that can be utilized for commercial growth, the quantity of open land is dwarfed by the quality of local schools and social capital investments in terms of business location choices as reported over and over again in a number of studies addressing this very issue. (See Deller, S., *Economic and Social Outcomes of Public and Private Investments in Physical Infrastructure for Growth and Stability of Rural Economies. Economic Productivity and Adaptability*. Northeast Regional Center for Rural Development, 50-73 (1991).)

In the context of commercial and industrial expansion, the Planning Board's role is somewhat minimal. While the Board should work closely in encouraging expansion and opportunity for existing businesses and provide flexibility for necessary changes, the issue of larger spaces for such opportunities should be analyzed from a comprehensive viewpoint of impacts to the Town and its resources, natural and social. A diverse and thriving community for local service options must be protected with ample opportunity for new businesses and services.

Regional and Transient services

Newmarket has some limitations with respect to regional services. Principally, transportation access presents the greatest impediment. This limitation may, however, be a blessing in disguise. Our relative lack of major freeways limits the opportunity for commercial uses that are often attributed with the demise of community character and identity. Consider the strip of automotive dealerships in Stratham and malls in Newington, which are not generally considered valuable employment opportunities or community builders. Without such large retail centers, Newmarket is giving the opportunity to focus on more pedestrian scale retail and social uses that contribute to destination places and towns that are considered to have a high quality of life. Transportation decisions should focus on access management, utilization of unique resources (such as the Great Bay access) and prevention of uses that unnecessarily detract from other commercial opportunities.

Major Employment Uses

Newmarket should capitalize on elements that are unique to our community in order to attract. These characteristics lend themselves to major employment uses that will spill-over once Pease is completely developed. Focus should be given to commercial uses that will choose locations based upon the quality of workers, community stability and quality of life.

Space needs Uses (Industrial)

The question of opening land in the face of available mill space is more distinctly raised in the Economic Development Chapter. The question of land utilization must, however, be addressed. The most appropriate approach is an assessment of available land, other potential uses for sites and other aspects of the Future Land Use vision of Town.

Recommendations:

- The Planning Board should consider the complex impacts of rezoning new areas for commercial lands. Areas where large unfragmented parcels are present and environmental resource protection can be achieved concurrent with expanded commercial opportunities. These areas should be developed in accordance with principles of Minimum Impact Development MID.
- The Planning Board should reach out to the Jordan Institute at www.thejordaninstitute.org in order to craft ordinances and regulations that promote this form of development and partners for this development approach.
- The land area along Route 152 and within the Aquifer Protection District should be considered for MID low-environment impact commercial uses, such as office and light-industrial space instead of residential uses. Facility siting should be consistent with strong groundwater protection measures and provide incentives for replacing the current uses that are more risky in their nature, excavation sites, junkyards and the Town's own salt-storage and public works garage.
- The area to the east of the railroad and west of New Road should also be considered for MID office and light industry. Siting in these areas should pay careful attention to wetland resources, groundwater and impacts to the Great Bay.

Location Issues

This section deals with particular impacts that are associated with a variety of uses and how those impacts change with respect to the context of their location. The section will make recommendations for different performance criteria for associated impacts based on their location.

Lighting

As with any other land use issue, lighting presents itself as a question of balance. Throughout this plan, the Board has stated its concern related to the issue of "place". Although the majority of this plan addresses issues that are most evident in the day, the one factor of site use in Newmarket that can impact the night is lighting. It is of the highest priority that the Board addresses the issue of lighting before it is too late. Light pollution in New England is the source of much concern, as the night sky diminishes with the glow of urban development. Newmarket, considering its surrounding neighbors, has the unique opportunity of providing for a

healthy business environment that is consistent with the goals of the community. Our neighboring communities have all referenced lighting as the most illusive and important issue of site design.

- All site lighting should provide for the expression of reasonable business models without presenting a health and safety hazard to the traveling public.
- The Board must insure that once security and safety are addressed, that a lighting scheme is consistent with the overall goals of the community:
 - Protect the visible night sky in all seasons.
 - Provide for extensive distance night walks without undue glare.
 - All required lighting illuminates the intended area.
 - No light fixture filament should be visible from a public roadway, sidewalk, or abutting property.
- Signs that are lighted must be regulated to shine down, with restricted hours, brightness and fixtures. This regulation must be related to an economic development policy that preserves equal business opportunities, protects from unreasonable glare and brightness that impacts the traveling public and sustains Newmarket's unique character before it becomes another victim to sprawl.
- The Town must work carefully with corporations and site developers to head off unreasonable expectations related to corporate and engineering formulae.
- The Board must require lighting impact studies as a part of every permit issued that increases light impacts are measured.
- The Board must review installations to insure that the performance and design intent of the fixtures comport with any approval.
- The Board should require that any addition or modification of an existing lighting scheme be approved.
 - The Board must promulgate regulations that provide for an easy path if light is contained, approvable by the Town Planner and Building Official.
 - Any failure to comply with limited scheme presented should require further review by the entire Board.

- This process must discourage negative impacts but provide for reasonable expansion if appropriate.

Signage

The current ordinance has many flaws in its text as well as its administration. The Zoning Board of Adjustment has diverted from the express of the intent of the ordinance with a number of questionable variances. The Building Department is vested with preliminary authority with respect to review and has maintained a tight control on signage with respect to size, lighting, compatibility and the appropriate balance of corporate identity and community identity. Some of the more problematic installations have resulted in over-sized signs, a proliferation of window signs and unnecessary or poorly installed lighting.

If the Town is going to maintain its protected character, preserve the values found in a unique and historical atmosphere that is conducive to the expansion of business opportunities and relocation efforts, it must take the extra step to set itself apart with regulatory positions that level the playing field and provide for protection of investments in property upgrades. A consistently interpreted and enforced sign regulation is one of the most influential aspects of visual character in a New England town. On the other hand, the propagation of cheap over-sized signs that are loyal only to corporate identity is one of the quickest ways to destroy community individuality and become Any-other-town USA.

The vast majority of local businesses have installed externally lit signs that provide for a consistency in visual attractiveness. It is not unusual that the majority of internally lit signs are from the major corporate citizens in town. This trend must be stopped; the Town has already made great strides with the cooperation of valiant landowners who have pursued the removal of the two large billboards on Route 108 and several other upgrades of existing signage. One lost opportunity can be found in the new internally lit green bank sign in downtown. The Town of Epping, with the same corporate citizen, was able to negotiate a more compatible wooden sign, painted and with external lights.

- The Planning Board should replace the existing sign ordinance in its entirety.
- The new ordinance should be based upon the long-term visual goals of the Town of Newmarket and limit signage to small internally lit signs and provide size bonuses for externally lit painted signs. The ordinance should provide for a carrot approach to compatible signage, providing for limited opportunity for corporate identity and visual obtrusiveness and reward a

community-centered approach that includes compatible signage that is externally lit and painted surfaces.

- Existing signs should be grandfathered but the Board may consider rewarding expiration of non-conforming signs with greater rewards.
- The Board should work closely with the Building Official when crafting the new ordinance to insure the office's advice is taken and the role of the Building Official is in accordance with the department's expectations.
- All other aspects of the ordinance should be administered by Conditional Use Permit as a flexible use process to remove the role of the Zoning Board of Adjustment. The sign permit process should be consistent with the carrot and stick approach detailed above. An easy process for signs that comply with the future vision of the Town and a lengthy complex process for signs that increase the chance of off-site impacts, degrade from the visual character of the Town and lighting methods that detract from the diffused lighting characteristics sought in the Town's future growth.
- Electronic changing signs are totally inconsistent with the current and planned character of the Town of Newmarket and should be prohibited. Aside from this, these signs are usually distracting to driving motorists and have no place in the Town of Newmarket. This prohibition should extend to clock and temperature signs as well. There are several analog clock faces in the Town of Newmarket on historical structures, and temperature ratings are not a pressing public informational need.

Road condition and Upgrades

The Department of Public Works (DPW) provides excellent service to the citizens of Newmarket. The Planning Board must insure that the current level of service is maintained by not burdening the department with impacts from new development. Although specific recommendations are beyond the scope of this chapter certain criteria to apply through town can be generated to insure the health and safety of the traveling public and the high level of service provided by the Town. These recommendations require a careful case-by-case examination of the impacts additional traffic will have on the current and projected growth rates in the region and throughout specific areas in Town. Routes 108 and 152 are major connectors throughout the region and will continue to

experience additional traffic as the region continues to expand. Any development that accesses these state roadways is under the jurisdiction of the state Department of Transportation; however, they can be influenced by the town if communication with the state is open, honest, and timely. Currently, Route 152 is more able to accommodate growth due to the existing traffic volumes. Access points along Route 108 and the background traffic make development possible but careful review is required to insure adequate capacity and safety. Other projects throughout town must be analyzed in terms of safety on-site and adjacent to the parcel. The Board must work with the DPW to insure that developers impacting the road system adequately mitigate impacts in coordination with the CIP and the DPW's program for expansion and upgrading throughout town.

Although the topic of off-site improvement assessments have been the subject of increasing concerns in the Courts and the legislature, it remains clear that cash assessments can be legally collected provided they are managed in accordance with an impact fee system (already present in Newmarket). Alternatively, any off-site improvement that is not completed by the developer or contributed to must be examined to insure the development does not cause a health and safety hazard or present a scattered and premature expansion of services resulting in unnecessary municipal expenses.

- Health and safety concerns must be addressed as part of every application likely to generate a tangible increase in traffic numbers or changes in traffic flow patterns.
- The Board must require traffic impact analyses of all developments that provide for a significant impact or change. The nature of this impact analysis should focus more on qualitative solutions and concerns rather than just numbers and timing. Innovative solutions to traffic impacts are needed in Town to insure that roadway and transportation needs are met on a broadened solution scheme rather than bigger roads with more capacity.
- The Board should consider corridor impact fees such as those found in the Town of Hudson that assesses an impact fee on any development that increases impacts, even for state roads, to provide funds for upgrades to the Route 108 corridor. These monies, along with proportional share from the Town, can be utilized to leverage significant grant funds for improvements to the Town from state and federal programs.

- Existing roadway and drainage facilities that are impacted by ongoing development must be off-set by the applicant to insure that the tax burden for development is not shouldered by existing taxpayers.
- The Board should communicate with DPW about potential funding opportunities for studying roadway conditions, drainage facilities, and stormwater management. With the support of the Planning Board and the Master Plan, the DPW could leverage greater funding opportunities. This effort should coordinate with the Administrator's Office.

Pedestrian Access and Connectivity

Pedestrian access and connectivity must be enhanced to provide for local access to the densely populated commercial and retail centers of Town. Aside from the work completed and planned along the central corridor, the Town must aggressively pursue sidewalks along roads near and connecting to downtown, schools, existing or proposed sidewalks, and other public facilities and amenities.

Parking

The issue of parking in the Town of Newmarket is well-beyond the scope of this plan. In fact, the Board should consider working with a mix of Town Officials in a joint effort to address these concerns on a more global scale unifying issues of new development, enforcement, TIF District efforts, grant funding, and budgeting. For specific development applications the Board must balance the individual restrictions on the site, promoting a friendly business and commercial environment, and public health and safety. For sites that have sufficient land to provide parking, the Board should require reasonable minimum standards and encourage placement that promotes shared parking.

Central Corridor

The central corridor, for planning purposes, includes Route 108 south and north and the downtown area and mills. This corridor has the highest traffic counts and the most significant development pressure for changes in existing uses and new commercial and retail sites. The three easily identified areas include the Southern – from Newfields to the railroad tracks, Downtown – from the railroad tracks to the Lamprey, and the Northern Corridor – from the Lamprey to Durham. Although each of these sections has a mix of uses, they each present related concerns with respect to future development. These sections are discussed below.

Route 108 Southern Central Corridor

Although 108 is primarily used as a travel way, this is the location where the majority of visitors first view Newmarket. There are several aspects of this gateway that are notable, both seen and unseen. The train travels below the road, an extensive trail system is accessible from Old Route 108 and a large viewshed is opened up through the Rockingham Country Club. The appearance of the Great Bay Athletic Club (GBAC) is a facility used and loved by many of the citizens of Newmarket and responsible for bringing other visitors to Town from neighboring communities. Public events and its prominence make the GBAC and contributing member of the community. Given the nature and focal point of the facility to the Board should consider working with the Club in expanding outdoor recreational facilities such as biking trails and travel ways, walking trails, and even cross-country skiing options that focus on the GBAC facility as an essential component of the recreational opportunities in Town.

Rockingham Country Club is a nine-hole course that represents open space to some and commercial opportunity to others. Given the accessibility of 101, 125 and 33, Newmarket must recognize that large-scale retail developments are not feasible for these locations. Instead, the Board must protect these uses and integrate the opportunities they present into the overall package that Newmarket has to offer to its residential and commercial citizens.

The streetscape in this area is dominated with the Rockingham Country Club Golf Course, the Great Bay Athletic Club, the Cemetery, the Industrial park and some woodland. There are areas that are near to Route 108 on Ash Swamp Road and New Road that could be targeted for limited non-residential uses and services for the surrounding neighborhoods.

The existing uses in this area require a great deal of space. The Board should open a dialogue with the owners of the Golf Course and the Industrial Park to find out if the Town can assist in the preservation of these uses that are an integral part of the community. There may be opportunities for joint grants to address a wide range of issues, from vehicular and pedestrian access and environmental permitting to land preservation and expanded opportunities for shared resource use.

- Overall, the Board should seek to preserve this area in its current state with the current uses.
- Limited opportunities for non-residential uses in the general area of the intersection of the GBAC entrance, up New Road and onto Ash Swamp should be explored for consistency with the existing area.

Route 108 South Central

This area is primarily residential uses and provides access for residential uses. The area is essentially from the cemetery on the east and the tree growth on the west, north along both sides of Route 108 to the curve where Newmarket Storage and Lane Chiropractic are located. Although these areas abut commercial and service uses, the existing uses should be preserved. Failure to protect these uses will cause a desire for commercial uses to expand into the area in a sporadic fashion eroding the property values and quality of life for the current residential housing uses.

With these uses preserved, the Town can expand pedestrian and vehicular access planning to make an attractive area for residents to live on Route 108 without succumbing to the pressure of strip commercial development.

The Board may wish to investigate the speed limit in this area to insure that safety and access are protected. Lowering the speed limit may also provide some disincentive for traffic that is simply driving through Newmarket. Connecting sidewalks from Town into this area should provide for an extended opportunity for residents to enjoy the commercial, business and service opportunities present in the downtown of Newmarket. This expansion can be especially beneficial if Newmarket pursues its vision for the downtown.

- The Board should insure the preservation of residential investments and uses within this area to protect investments and quality of life along Route 108 and protect from commercial sprawl.
- Preservation of residential uses in this area must also be preserved to insure that access management principles are observed, where residential uses have less trips the commercial and retail uses that are often attracted to these areas, resulting in classic sprawl.

Downtown – Route 108 - Mill area

This area is the heart of Newmarket. The Board should take all efforts to maintain and enhance the vibrancy of this area. Efforts and recommendations for this area should be developed through the use of committees of concerned citizens, town officials and business owners with the support of professional non-voting staff. *Accordingly, the Future Land Use Chapter specifically incorporates the Downtown Vision Plan in its entirety as this section.*

The report is attached as Future Land Use Chapter Appendix A.

Downtown Surrounding Area

This area generally marked by the high density residential areas on both sides of the Lamprey and the Upper Narrows of the Great Bay, the Zion Hill area, the areas of Elm Street and the central triangle intersection of Route 108 and Route 152. This area is marked by large closely built residential structures. A major concern for this area is the predominance of illegal units and multi-family structures. See: Code Compliance Issues Illegal units

Route 108 North

From the Lamprey River north, the central corridor is dominated by large houses placed close to the roadway and a few buildings that provide some contrast to the residentially-based structures found throughout the area. These conflicting business styles, from low-slung cinder block buildings to unscreened car storage can have a detrimental impact to neighboring property values. The Board should prevent the conversion of residentially-based construction to preserve and enhance the character of the area. Restrictions on demolition should include rebuilding in a character that is consistent with the structures that are found on Route 108 from the river to the Durham town-line.

EAST TOWN

This area consists of medium density housing in the areas closer to downtown and more open spaces further east. Within the middle density area, the main approach should be to preserve the development pattern existing with some limited expanded commercial opportunities that would provide low impact services to citizens and residents of town, such as sit-down restaurants (no drive-through windows), small offices and limited retail sites.

Further expansion of the middle-density should be restricted due to the sensitivity of the eastern resources in town and to provide a diversity of housing options throughout the Town. Conservation Subdivision Design Development should be mandated in areas that are noted in the Open Space Conservation Plan. Expansion of municipal services must be undertaken judiciously to balance environmental protection from septic discharges against the denser development that almost always accompanies such an expansion. The Board should examine minimum lot sizes from an increase in lot size for conventional subdivisions and density calculations for Open Space designs. The Board should actively pursue the connection of open spaces through regulatory and non-regulatory means. These areas must be included.

WEST TOWN

This area of town lies to the west of Route 108 along Route 152 to four-corners and south along the areas of Hersey Lane back to Route 108. This area of

diverse development includes high-density multi-family to low density single-family in cluster and convention designs. The far west and south of this portion of town south and west of Ash Swamp Road should continue to be low-density residential areas. The Board should require Open Space Conservation design in critical resource areas or areas of large unfragmented parcels to implement the Open Space Conservation Plan and to provide for connected corridors of conservation lands. Increased lot sizes will provide for a diversity of housing types and encourage Open Space design as a feasible alternative to conventional subdivisions that have a greater impact of the environment.

The expansion of high density and multi-family development particularly in the Bennett Way & Hersey Lane areas should be restricted. The public roads and recreation opportunities are already overtaxed. The Town of Newmarket exceeds all surrounding communities in its provision of affordable housing and has over-burdened schools. Newmarket has provided for its regional fair-share of housing diversity and should balance development in town with other options that do not increase the use of burdened facilities. These areas should also have pedestrian and recreation opportunities expanded to provide for the existing residents. No further development should be permitted unless the expansion of these facilities is facilitated by the new impacting development.

As with other residential areas, the Board should consider limited expanded commercial opportunities in appropriate areas to provide for local services and retail such as small stores and offices. Additional larger facilities could be permitted with a performance-based approach provided that all negative impacts are mitigated. Such mixed-use could provide development options for open parcels and a more historically accurate approach to community growth.

IMPLEMENTATION & POLICY STATEMENTS

The Town of Newmarket has experienced high growth and an associated decline of its terrestrial resources.

- The Town should consider innovative ways to supplement volunteer labor through a relationship with UNH for Federal Work-Study positions and student assignments that may relate to natural resource issues.
- The Town should actively and quickly research innovative zoning and regulatory controls to protect these resources from development pressure.
- The Town should actively pursue innovative funding sources for protection of natural resources.
- The Town of Newmarket should promote the preservation of habitat for

wildlife and humans whenever possible.

Once terrestrial resources are lost to development, there is virtually no possible way to resurrect these resources and the value and importance of existing resources increases.

- The Town should consider more flexible methods of protection other than outright and total protection of all resources. Such techniques should include: partial development easements, public-private partnerships for conservation development design, and public-private partnerships for leveraging grant funds for land conservation and protection. Also, the Town should consider allocating a higher percentage of the land use change tax to the Conservation Commission for pursuing these efforts.
- The Town should consider partial development easements as a protective device that rewards landowners that are unable to afford total protection of entire parcels and be willing to work with landowners that choose these methods.
- The Town should consider a graduated approach to resource protection based upon a list of priorities identified as part of this Master Plan and link utilization of lower priority resources in exchange for protection of higher priority resources.
- The Town should consider a comprehensive approach to open space protection and develop a separate Open Space Plan that includes the necessary components for a comprehensive approach to open space planning:
 - Vision – The vision component of the plan should supply all aspects of support and guidance to Town Boards and Officials in responding to the threatened losses of open space and assistance in pursuing funding from various entities, both private and public.
 - Education – The educational component should provide the framework for an outreach effort to landowners, developers, citizens, and governmental officials of all levels on the benefits and costs of open space protection and the opportunities and techniques for open space protection that are currently available for the Town of Newmarket.
 - Action – The implementation component should identify responsible parties for completing the tasks called for in the Open Space Plan and assist in the formulation of action plans and support for funding these responsibilities.

Water resource protection is a critical aspect of the current and future health and welfare of the Town.

- Regulations that protect natural resources should be developed that provide for long-term protection of drinking water resources; these areas should be discouraged as intensive use areas.
- Gravel pits and other threats that are located proximate to viable aquifers within town should be aggressively monitored to insure compliance with appropriate codes and regulations.
- Working with open space protection efforts, the Town should pursue funding sources for source water protection from any reasonable source.
- The Town should research the pros and cons of the State's groundwater reclassification program in partnership with the Department of Environmental Services.

The Town of Newmarket is part of a larger system of watersheds that feed the Great Bay.

- The Town should actively seek to participate in any and all studies, workshops, and efforts to protect the Bay and should lead the way for the region under the recent study published by the Great Bay Coalition.
- The Town should initiate a dialogue with regional towns to discuss consistent regulatory approaches to watersheds and consider the regional impacts of local decisions and actions.

STRATEGIES FOR IMPLEMENTATION – TERRESTRIAL RESOURCES

All development in Newmarket should be undertaken with due regard to the protection of the terrestrial resources and aesthetic beauty of the town. Subdivision regulations and Zoning should be revised to protect these resources, while permitting flexible standards and encouraging creative land use.

- Soil capabilities and suitability should be a major consideration when determining the best land use.
- Future subdivision regulations should give increased regard to the wise use of land. Regulations should promote development patterns that respect and enhance the natural geography, protect open spaces

whenever possible, and discourage cookie cutter subdivision design.

- The Planning Board should be given more discretion to relax certain standards during application review (such as frontage, lot size, and other rigid requirements) where the intent of such requirements can be preserved while an identified resource can be protected.
- The Open Space Development section of the Zoning Ordinance should be revised with greater flexibility vested in the Planning Board to exercise extended discretion through the Conditional Use Permit found in RSA 674:21.
- The Town should recognize the graduated viability of environmental resources. Research should be undertaken toward a more flexible permitting process that allows for remediation, creation and protection of other more valuable resources in exchange for the utilization of such resources that are located in areas targeted for intense development and that have a reduced environmental value.
- The Town should seek to preserve the remaining agricultural uses in town, and the special protection of prime agricultural farmland.
- The Planning Board should seek input from the Conservation Commission on all developments that affect terrestrial as well as aquatic resources that come before the board.
- The Conservation Commission should pursue all possible funding to assist it in its duties and seek assistance from the Council and Planning Board in seeking out these funds.
- The Planning Board, Conservation Commission and Town, in general, should maintain strong ties with UNH to insure that Newmarket is frequently considered as a location for student projects that may relate to environmental resource conservation and related matters.
- Voluntary efforts with developers should continue on a case-by-case basis until strong opposition is met, in which case the Town should consider requiring an impact fee for recreational facilities under RSA 674:21.
- Newmarket should consider its role in the greater region as it relates to water resources and work carefully with abutting Towns regarding watershed approaches to land use regulation regarding, impervious

surface limitations, infiltration, BMPs for natural remediation, and use regulation.

- Newmarket should open a dialogue with neighboring communities regarding water systems and at least consider a regional system or discuss future expansion plans as the Towns of Durham, Epping, and Newfields all have town-supplied water systems that will continue to expand.

LAND USE

Newmarket should recognize market forces generated by existing land use to develop its vision for future land use patterns.

Existing businesses and land use patterns that contribute to the community in character and as corporate citizens should be recognized and supported by decisions regarding future land use.

Newmarket must recognize that general policy goals and statements regarding the overall community do not necessarily apply to the redevelopment of the mill properties.

The Planning Board should reach out to and engage other entities that have an impact on existing land use and are assisting the development and preservation of valuable existing land use patterns to coordinate efforts and solicit concerns about future decision-making:

- The Newmarket Tomorrow Committee
- The Main Street Committee
- The Newmarket Business Association
- The Newmarket Development Corporation
- The Town Council and Conservation Commission

There should be, at a minimum, semi-annual joint meetings between the Planning Board and Town Council and other Commissions and Boards as appropriate.

ECONOMIC DEVELOPMENT

Policy Statements

1. The Town of Newmarket must understand the market potential for types of commercial developments that will come to the Town.

2. The Town of Newmarket should insure that a policy of growth and expansion is carefully balanced with concern for long-term growth and stabilization.
3. The Town should be prepared to analyze what types of uses it wants in Town with the following in mind:
 - What type of impact will this type of use have on future commercial and industrial development of the Town and the immediate area?
 - What types of employment opportunities are promoted by existing and proposed uses?
 - How does the type of use permitted and sited within Town affect the character of a community?
 - What service does the proposed use provide to the citizens of Newmarket?
 - What costs does the proposed use place upon the citizens of Newmarket?
 - In what manner and to what extent does this use affect the Town's natural resources?

The Town should be able to “market” itself.

- All departments of the Town should be able to communicate with the public and potential corporate and business residents about what the vision for commercial and industrial growth and development are.
- The Town should consider adding staff that works in the area of Community Development to promote sound planning and support these efforts and bring what is commonly seen as opposing forces together.
- The Town should prepare a marketing statement that shows what Newmarket has to offer and the commitment to sustained economic success.
- The Town should recognize and articulate the benefits of providing services to the existing residents of the Town as well as the transient populations, and be able to discuss the distinctions and benefits of such population diversity.
- The Town should consider having public meetings regarding this issue to bring out the concerns of the public and give the people an option to voice concerns about growth and development and to provide educational opportunities regarding the different philosophies of growth.

- The Town must aggressively protect the Downtown and enhance the opportunity for success of the businesses that are present in the community.
- The Town should encourage civic participation from the corporate chains in Town and present opportunities to the necessary personnel in the corporation.
- The Town should carefully consider the opportunities for economic development that are enhanced by close proximity to UNH and work with the university to develop these opportunities, including services for resident students and the provision of actual University facilities.
- Both the Newmarket Tomorrow Committee and The Newmarket Community Development Corporation should contribute to a revision to this section of the Master Plan as soon as possible.

Strategies for Implementation

The Planning Board should carefully review the zoning ordinance for amendments consistent with the policy statements of this section. The Board should research amendments that provides for equitable opportunity for identification, shows unity and consistency across the community, and promotes the aspects of Newmarket that distinguish it from other business opportunities throughout the region.

- The sign ordinance should be completely revised and reflect the different locations in town, and the negative aspects of over-signage and the detrimental effect such abuse will have on neighboring uses and businesses.
- The Town should look at other communities that have successful downtowns and take note of the obvious characteristics of these areas.
- Newmarket should promote its uniqueness through reasonable control of aesthetic design to protect against a trend for corporate identity that tends to erode the overall economic viability of the community. Such regulation will promote broad growth and in turn lead to success for the corporate citizen.
- The Board should examine the use tables and examine a provision that provides for a more flexible determination of whether a use should be permitted based upon its impact and not an arbitrary classification system that is disconnected from the real impacts.
- The Board should consider separate regulations for uses that present unique impacts to other business uses and balance the needs and opportunities across the board.

- The Town must confront the issue of parking and transportation in the downtown area as a joint concern of the Planning Board, the Town Council, the Newmarket Tomorrow Committee and the Newmarket Community Development Corporation.
 - The Town should consider forming a standing body to address this issue due to its high priority and the complexity attendant to its solution framework.

The Town should examine the possibility of competing for new types of commerce and development that deal in intellectual property and *e*-based commerce.

- The Town should recognize and promote the attraction that Newmarket has for these types of businesses, due to life-style, community character, and regional location. The entire state, and especially Portsmouth, is promoting this growth.
- The Town should research the Telecommunications Act of 1996 to insure the Town is utilizing the provisions of this act to provide the information infrastructure it can reasonably require.
- The Town should research the availability of fiber optic cable networks in the region and consider a joint partnership with the company to bring this “infrastructure” to Town for future development.

COMMUNITY FACILITIES

Policy Statements

Space limitations are a recurring theme for many Town Facilities.

- The Fire Department is in dire need of a new facility.
- The Public Works Facility is in need of more bays for equipment plus it is located over the aquifer, which is the primary source of water for the residents of Newmarket. A new Public Works Facility should be located away from the aquifer to protect from any accidental fuel spills, which could contaminate the water supply.
- The Town Hall is also experiencing space limitations both in office space and parking and the Police Department has some storage needs as well.

Growth puts strains on all municipal services. The policy of the Town is to provide for the concurrent growth of services with the expansion of population. The costs for such

growth should fall equitably upon the shoulders of those that are responsible for the increased need.

- Most services are near or past their capacities and future development would require additional town employees, equipment and structures. Although Impact Fees would help offset some of the costs for these improvements, the Town should look at other methods to help control growth to reduce impacts to town facilities that would overburden them.

Due to ongoing residential growth in Newmarket, employment opportunities in the surrounding region, and the tax consequences related to school facility expansion, the School District and its needs should be carefully considered in future development policies.

- Increased communication between the School Board and the Planning Board is a necessity. The reactivation of the Facilities Study Committee should give the town a better grasp on what the growth issues are at the schools.

The Town should prepare for the eventual switch over to a full-time fire department and begin to plan for the tax implications and costs associated with this eventuality.

STRATEGIES FOR IMPLEMENTATION – WATER RESOURCES

Water resource protection is a critical aspect of the current and future health and welfare of the Town.

- Develop regulations that protect natural resources by providing for long-term protection of drinking water resources; discourage intensive use in these areas.
- Aggressively monitor gravel pits and other threats that are located proximate to viable aquifers within town to insure compliance with appropriate codes and regulations.
- Working with open space protection efforts, pursue funding sources for source water protection from any reasonable source.
- Research the pros and cons of the State's groundwater reclassification program in partnership with the Department of Environmental Services.

The Town of Newmarket is part of a larger system of watersheds that feed the Great Bay.

- Participate in relevant studies, workshops, and efforts to protect the Bay. Provide leadership for the region in support of the protection of the watersheds of the Great Bay Estuary.

- Initiate a dialogue with municipalities to discuss and implement consistent regulatory approaches to watersheds. Consider the regional impacts of local decisions and actions on watershed management of the Lamprey River and adjoining watersheds.

STRATEGIES FOR IMPLEMENTATION

All development in Newmarket should be carried out with due regard to the protection of the terrestrial resources and aesthetic beauty of the town. Revise the subdivision and site plan regulations and zoning to protect these resources, while permitting flexible standards and encouraging creative land use.

- Consider soil capabilities and soil suitabilities when determining the appropriate land use. Future regulation updates should put increased emphasis on soil evaluation.
- Give increased consideration to the wise use of land in regard to future subdivision and site plan regulations. Regulations should promote development patterns that respect and enhance the natural geography.
- Give the Planning Board more discretion to relax certain standards during application review (such as frontage, lot size, and other rigid requirements) where the intent of such requirements can be maintained while an identified natural resource can be protected.
- Revise the Open Space Development section of the Zoning Ordinance with greater flexibility vested in the Planning Board to exercise extended discretion through the Conditional Use Permit found in RSA 674:21 in order to achieve greater protection of natural resources.
- Consider using the graduated viability of environmental resources. Research should be undertaken toward a more flexible permitting process that allows for remediation, creation and protection of other more valuable resources in exchange for the use and development of such resources that are located in areas targeted for intense development and that have an identifiable and reduced environmental value.
- Preserve the remaining agricultural uses in town and special protection of prime agricultural farmland.
- The Planning Board should seek input from the Conservation Commission on all developments that affect terrestrial as well as aquatic resources that come before the board.

Town of Newmarket New Hampshire

Master Plan Chapter 10 Future Land Use

- Pursue all relevant funding to assist the Conservation Commission in its duties. The Conservation Commission should request assistance from the Council and Planning Board for securing funding.
- Maintain strong ties with the University of New Hampshire to insure that Newmarket is frequently considered as a location for student projects that may relate to environmental resource, conservation and related matters.
- Continue voluntary efforts with developers on a case-by-case basis until strong opposition is met, in which case the Town should consider requiring an impact fee for recreational facilities under RSA 674:21.
- Consider Town's role in the Seacoast region as it relates to water resources and work carefully with abutting Towns regarding watershed approaches to land use regulation regarding, impervious surface limitations, infiltration, BMPs for natural remediation, and use regulation.
- Open a dialogue with neighboring communities regarding water systems and at least consider a regional system or discuss future expansion plans as the Towns of Durham, Epping, and Newfields all have town-supplied water systems that will continue to expand.

The Town should work with the Rockingham County Conservation District and the Soil Conservation Service to promote wise use of local terrestrial resources. Preservation of the remaining agricultural uses in town, and special protection of prime agricultural farmland should be a goal. This goal is based on the cultural, historic and social values of agricultural uses in Newmarket. This is also reflected in the generally held perception of Newmarket as a rural community that benefits from abundant resources and a strong sense of environmental preservation.

- Research and adopt provisions that encourage the protection of these resources in the Zoning Ordinances that give economic value to the landowner while discouraging development. As these uses of land are commonly associated with large tracts of land, the Board should consider the viability of a transferable development rights scheme. For prime soils, the Town should consider the adoption of required cluster provisions where land has been identified as prime agricultural soils to keep house lots out of such lands. Developments should be encouraged that preserve these soils and provide for agricultural uses that are compatible with the surrounding areas.
- The Conservation Commission will pursue funding to assist it in its duties and seek assistance from the Council and Planning Board in its funding search process.

- Maintain strong ties with UNH to insure that Newmarket is considered as a location for student projects relating to environmental, resource and conservation matters.

The Town of Newmarket will promote the preservation of habitat for wildlife and humans whenever possible. The loss or degradation of habitat is a risk to Newmarket's residents and to wildlife. Those areas that are already established or best suited for forest and wildlife habitat, and only marginally suited for residential development, should be protected and managed for forest and wildlife. Proposed developments should adequately address forest and wildlife habitat protection with respect to the goals and intent of the Master Plan prior to receiving approval by the Planning Board and/or Conservation Commission, when applicable. New developments should be reviewed for their impacts on "Free Ecological Services" provided by open space, including flood control, sediment and pollutant filtration, air and water quality protection and for their impacts on forest fragmentation and loss of habitat connectivity between other open spaces.

- Research and present regulation and zoning amendments to the Planning Board and Council for eventual adoption.

Newmarket land use regulations (i.e., zoning ordinance, subdivision regulations and site plan review regulations) should recognize the need for the protection of open space and recreational use areas on residentially developed land. Flexible requirements should be implemented that would provide residential and commercial/industrial developers with options such as dedication of open space easements, off-site improvements, assistance in other protection efforts, or monetary contributions to the Town conservation funds. The planning board should establish mitigation procedures for requiring the developer to mitigate impact on open spaces for all proposed developments that will reduce open spaces, or generally impact terrestrial resources including the creation of additional recreational uses or contributions to the conservation fund. The mitigation measures could also include monetary gifts, land easements, land grants or other form of aid to ongoing open space protection efforts.

- Voluntary efforts with developers should continue on a case-by-case basis until strong opposition is met, in which case the Town should consider requiring an impact fee for recreational facilities under RSA 674:21.

The Town Council and Planning Board should sponsor and promote responsible redevelopment efforts in the community to further enhance protection efforts. The Planning Board should give preference and encourage redevelopment efforts over new development efforts that will have direct impacts on open spaces, wildlife habitats, or other terrestrial resources. Furthermore, responsible redevelopment serves to protect, beautify, and increase safety in properties that may have been

neglected or poorly maintained

- The Board should research innovative land use controls that may promote this type of redevelopment that is linked to the concurrent provision of infrastructure and possible negative incentives for less desired development locations and positive incentives for preferred development. These policies should be developed and disseminated to the town officials and staff to encourage a more cohesive approach to these policy decisions.

As Newmarket lies on the Lamprey River and contaminants emitted from spills and leaks, especially in the downtown district, readily and easily migrate to the Lamprey and ultimately the Great Bay, some of our most precious terrestrial resources are at the most risk. Therefore, the

Town Council should promote and further publicize and sponsor at the local level, State efforts to further protect terrestrial resources, water supplies, and the environment. While the last decade enabled us to begin grappling with the big polluters, such as the industrial manufacturer, widespread smaller scale pollution, such as that by the general resident, has not been fully addressed. Non-point pollution continues to represent environmental risk to habitats and the Town Council should actively promote and create public awareness of “Best Management Practices” for handling oil or hazardous materials, or substances. “Best Management Practices” are outlined in New Hampshire Code of Administrative Rules Part Env-Ws 421. The regulation promotes the proper storage, handling, and disposal of oil and/or hazardous materials.

Furthermore, existing areas should be reviewed with respect to current regulations to ensure that Newmarket’s terrestrial resources are adequately protected with regard to potential contaminant releases to the environment. Additionally, the Town Council should promote continued upgrades or replacements in above ground and underground storage tanks systems which contain oil, or hazardous materials and require strong spill prevention control and countermeasure plans on record with the Fire Department for business which handle, store or use significant quantities of oil or hazardous materials. In the coming years, additional risks to terrestrial resources habitats, and the environment will also come from old and outdated residential home heating oil systems. The combination of many small capacity oil systems at risk of leaking is an equal threat as that of one large system leaking. The Town should work closely with new State funded low income grant programs for the upgrading of residential home heating oil systems to help reduce the likelihood of spills and/or leaks due to outdated and decrepit systems. While these programs are currently in their infancy, Newmarket can be a leader in establishing strong pollution prevention and environmental protection efforts by promoting and helping implement these State efforts. These efforts should be directed by the Town Council with direct oversight of updating conducted by the Town Administrator, Code Enforcement Officer, and/or Fire Chief. Furthermore, consideration should be given by the Town Council to developing additional pollution prevention programs or matching grants on a sliding

scale to promote protection of the Town's habitats and environment.

- Consider the Town's role in the Great Bay Estuary as it relates to water resources. Work with abutting Towns using watershed approaches to land use regulation for impervious surface limitations, infiltration, BMPs for natural remediation, and land use regulation.
- Open a dialogue with neighboring communities regarding water systems. Consider a regional system or discuss future expansion plans with the Towns of Durham, Epping, and Newfields.